

**244.050 "Treating" prohibited -- Exceptions -- Sampling. (Effective until January 1, 2007)**

- (1) No retail licensee shall give away any alcoholic beverage in any quantity, or deliver it in any quantity for less than a full monetary consideration, except as provided by KRS 243.155, 243.156, 243.157, and subsection (2) of this section.
- (2) A retailer licensed to sell distilled spirits and wine under KRS 243.030(7), (8), or (27) may, after acquiring a license under KRS 243.030(40), allow customers to sample distilled spirits and wine under the following conditions:
  - (a) Sampling shall be permitted only on licensed premises and, for licensees licensed under KRS 243.030(7), (8), or (27), during regular business hours;
  - (b) A licensee shall not charge for the samples provided to customers;
  - (c) Sample sizes shall not exceed:
    1. One (1) ounce for wine; and
    2. One-half (1/2) ounce for distilled spirits; and
  - (d) A licensee shall limit a customer to:
    1. Two (2) distilled spirits samples per day; and
    2. Six (6) wine samples per day.
- (3) Retailers licensed under KRS 243.030(7) or (8) shall:
  - (a) Notify the Office of Alcoholic Beverage Control at least seven (7) days in advance of conducting a sampling event; and
  - (b) Limit a sampling event to a period not to exceed four (4) consecutive hours between 12 noon and 8 p.m.

**Effective:** July 13, 2004

**History:** Amended 2004 Ky. Acts ch. 20, sec. 11, effective July 13, 2004. -- Amended 2003 Ky. Acts ch. 15, sec. 1, effective June 24, 2003. -- Amended 2000 Ky. Acts ch. 182, sec. 2, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 121, sec. 26, effective July 15, 1998. -- Amended 1976 Ky. Acts ch. 381, sec. 5. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 2554b-183.

**Legislative Research Commission Note** (9/18/2003). In subsection (2) of this statute, a reference to "KRS 243.030(41)" has been changed by the Reviser of Statutes to read "KRS 243.030(40)." This change correctly codifies the amendments in 2000 Ky. Acts ch. 69, sec. 2, and 2000 Ky. Acts ch. 182, secs. 1 and 2.

**Legislative Research Commission Note** (6/20/2005). 2005 Ky. Acts chs. 11, 85, 95, 97, 98, 99, 123, and 181 instruct the Reviser of Statutes to correct statutory references to agencies and officers whose names have been changed in 2005 legislation confirming the reorganization of the executive branch. Such a correction has been made in this section.

**244.050 "Treating" prohibited -- Exceptions -- Sampling. (Effective January 1, 2007)**

- (1) No retail licensee shall give away any alcoholic beverage in any quantity or deliver it in any quantity for less than a full monetary consideration, except as provided by KRS 243.155, 243.157, and subsection (2) of this section.

- (2) A retailer licensed to sell distilled spirits and wine under KRS 243.030(7), (8), or (26) may, after acquiring a license under KRS 243.030(39), allow customers to sample distilled spirits and wine under the following conditions:
  - (a) Sampling shall be permitted only on licensed premises and, for licensees licensed under KRS 243.030(7), (8), or (26), during regular business hours;
  - (b) A licensee shall not charge for the samples provided to customers;
  - (c) Sample sizes shall not exceed:
    - 1. One (1) ounce for wine; and
    - 2. One-half (1/2) ounce for distilled spirits; and
  - (d) A licensee shall limit a customer to:
    - 1. Two (2) distilled spirits samples per day; and
    - 2. Six (6) wine samples per day.
- (3) Retailers licensed under KRS 243.030(7) or (8) shall:
  - (a) Notify the Office of Alcoholic Beverage Control at least seven (7) days in advance of conducting a sampling event; and
  - (b) Limit a sampling event to a period not to exceed four (4) consecutive hours between 12 noon and 8 p.m.

**Effective:** January 1, 2007

**History:** Amended 2006 Ky. Acts ch. 179, sec. 12, effective January 1, 2007. -- Amended 2004 Ky. Acts ch. 20, sec. 11, effective July 13, 2004. -- Amended 2003 Ky. Acts ch. 15, sec. 1, effective June 24, 2003. -- Amended 2000 Ky. Acts ch. 182, sec. 2, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 121, sec. 26, effective July 15, 1998. -- Amended 1976 Ky. Acts ch. 381, sec. 5. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 2554b-183.

**Legislative Research Commission Note** (9/18/2003). In subsection (2) of this statute, a reference to "KRS 243.030(41)" has been changed by the Reviser of Statutes to read "KRS 243.030(40)." This change correctly codifies the amendments in 2000 Ky. Acts ch. 69, sec. 2, and 2000 Ky. Acts ch. 182, secs. 1 and 2.

**Legislative Research Commission Note** (6/20/2005). 2005 Ky. Acts chs. 11, 85, 95, 97, 98, 99, 123, and 181 instruct the Reviser of Statutes to correct statutory references to agencies and officers whose names have been changed in 2005 legislation confirming the reorganization of the executive branch. Such a correction has been made in this section.